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TO THE PEOPLE

OF THE

# 27th CONGRESSIONAL DISTRICT

OF THE

## STATE OF NEW YORK.

FELLOW CITIZENS:—As your Representative, I feel that I ought now to make to you a brief statement of the existing condition of the affairs of the nation, accompanied by an historical review of the successive steps which have led the country to the verge of disunion. I believe such a statement and review will establish, by the most indubitable evidence, that the North is not responsible for the existing state of public affairs, and will also enable each citizen to determine what his duty is in the present emergency.

Two causes render the happening of the present *crisis* inevitable. One is the slow but certain exhaustion of the capacity of the soil to produce when it is cultivated by the stupid and coerced labor of the slave. The other is the fact that the slave population increases in number with much greater rapidity than the free. The exhaustion of the soil by slave labor requires constant accessions of territory, and makes its possession a necessity in the eyes of those who believe slavery the normal condition of the negro and a blessing to both the black and white race. With the increase in the proportion of the servile population, and with their gradual advancement in civilization, and those consequent aspirations which result, necessarily, from their contact with the superior race increases also the desire and the chance of a successful servile insurrection. The consequences of this increasing disproportion between masters and their slaves can only be obviated for the time by sending their surplus laborers into virgin territories. Thus, for the time, postponing the catastrophe by distributing the evil, but still leaving its inherent tendencies undisturbed.

The original slave territory has been more than trebled, and the slave population increased six-fold, since the Revolution; yet the ostensible reason for withdrawing from the Union now is, that the Slave States are deprived of their just proportion of the common territories. In reference to this demand for more territory, Mr. Curry, of Alabama, whose speech was considered the Southern speech of the session, said of slavery: "Contributing so abundantly to civilization and humanity, is it *unreasonable* that the *South* should demand its extension and protection, and exhibit sensitiveness at the threat to surround her with a 'cordon of free territory and to compel slavery, like a serpent in a ring of fire, to sting itself to death.' "

This demand for "protection" to their slave property is now their ultimatum, even in the Border States. You can judge for yourselves, when such is the ultimatum of the moderate men of the South, whether there is any, the remotest, hope of a compromise. The simple question for you to determine is, whether you will give a new constitutional guaranty to slavery in the Territories. If you will not, then the Border States will secede as well as the Cotton States. That is, they will secede if those who at present give direction to the sentiment of the South can have their way. It may be safely said, that there is not a single member from the Slave States, except Henry Winter Davis, of Md., and Mr. Etheridge, of Tenn., who dares openly say that he is in favor of staying in the Union without some constitutional guaranty, recognizing the right of the slaveholder to hold his slaves as property in the Territories. There are some who would be willing to restore the line of



36°30', but they all demand protection south of that line. The Republican party comes into power upon the distinct principle, that the normal condition of the Territories is one of freedom, and that when it is necessary, the duty of Congress is to preserve them free. I am firmly convinced that no concession short of consenting that Mr. Lincoln should resign, and Mr. Breckenridge be inaugurated in his place, would keep the Cotton States from seceding.

This crisis, which some time must be met, comes at a time when the country in all the elements of material wealth is unprecedentedly prosperous. The almost uninterrupted peace which we have enjoyed since the Revolution has developed the resources of the country, both mental and material, as never before in the world's history. We possess every substantial blessing which a people could ask—we support only an insignificant standing Army and Navy. A general diffusion of intelligence and wealth, making the results of enterprise and labor sure and satisfactory, has made these United States second to none in the extent and diffusion of those blessings of peace which constitute the glory and happiness of a people. We have just elected, in a peaceful and constitutional manner, a chief magistrate of the Nation, and we are told that the platform on which he stands, the views which he entertains, are sufficient reasons for the breaking up of this Union and the prevention of his inauguration.

One of the sovereign States has formally withdrawn from the Union and set the Government of the people at defiance, public forts and munitions of war in that State, and also, in Georgia and Alabama, have been forcibly seized. A revenue cutter and also, the Custom House and Arsenal, in the city of Charleston, have been seized, and over them now floats the Palmetto Flag instead of the Star Spangled Banner. The Cotton States, Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, will certainly, and almost as certainly, Tennessee, Arkansas, and North Carolina will join South Carolina.

There can be little doubt that the most strenuous and systematic efforts are being made to drag into the new Slave Confederacy the border States of Delaware, Maryland, Virginia, Kentucky, and Missouri. The sympathies of these States are with the Cotton States, and nothing but their interest will keep them in the Union. Although their interest most palpably allies them with the North, and such is the view of their considerate men, the chances are, that they will be forced into the Southern Slave Confederacy by the fiery and reckless spirits who at present control them. Without the guarantees of the Constitution, even a peaceful separation will leave these Border States subject to the easy escape of their slaves, which would at once depopulate their border counties, fill them with free laborers, and the States themselves, would probably pass through the same emancipatory steps that the old Border States went through. Out of the Union, the Border States would be unable to prevent the reopening of the slave trade, either openly or covertly, which would at once beggar the slave producing States. Negroes now worth \$1500 to \$2000 a piece, can be brought from Africa and sold in the Cotton States at an enormous profit for \$100 a piece. In the Union, sustained by the sentiment of the civilized world, the slave traffic would be suppressed as piratical, and the interest of the Border States would compel the Union to put it down with efficiency. But should a separation be attended with a civil war, these Border States would, in addition to these evils, become the battle fields of the contending parties, and would be likely to be depopulated by servile insurrections as well as by civil war. Should the Border States be governed by passion rather than by reason, which seems most probable, they will join their fortunes to the Cotton States, and form a great Slave Confederacy of fourteen or fifteen States. A confederacy, whose bond of Union will be



human slavery, whose ambition will be to widen the empire of slavery, by adding to itself the West India Islands and the States of Central America, and thus hope, by conquest or by purchase, to spread southward over the Continent.

Whether such a vast and probably warlike confederacy could maintain peaceful relations with a free Republic on its northern line, whose prosperity depends on the undisturbed and peaceful development of its resources, is a problem which history only can solve. It is at best problematical, whether the same lust for empire which will create filibustering expeditions into the Island of Cuba and the States of Mexico, in violation of every principle of justice and humanity, would leave undisturbed, a nation of peaceful artizans, and husbandmen, and merchants, upon her Northern Frontier.

If the border States unite with the Cotton States, then an attempt will be made to seize this capitol, and also the archives, munitions, forts and navy of the nation. Mr. Wigfall of Texas, but lately declared in the Senate, that such would be the case, and Governor Wise of Virginia, you remember, has more than once threatened he would march an army of Virginians and take possession of this city, its public buildings, and the archives of the nation. Preposterous as such a threat under ordinary circumstances, it is certain in my mind, that nothing but the most energetic preparation on the part of the Government, with the prompt and efficient aid of the Northern States, can prevent such a result.

In this condition of affairs it seems to human reason impossible to avoid all the horrors of a bloody and protracted civil war; even the peaceable surrender of this city would not satisfy the spirit of ambition and covetousness which actuates the men who guide the councils of the South. But, is it within the range of possibilities that this Union can be dissolved, its public property and archives forcibly seized by conspirators without a bloody and desperate struggle? The free States in the main, are deeply interested in the collection of the revenues of the Government by means of a Revenue Tariff, affording incidental protection to those business interests that for the time being require the fostering care of the Government. At all events, the establishment of free trade, and a resort to direct taxation could only be the result of long years of gradual change in the policy of the nation; a sudden and hasty substitution of one system for the other would derange and might prostrate at once all the great interests of the country. But should the new slave confederacy of the South open her ports to the commerce of the world, then self-protection would require a similar policy at the North. Self-preservation is the great law of nature. States are not exempt from its sway. With the vast maritime capacities of the North, it would be easy to close up the mouth of the Mississippi, and the few Southern ports of the Gulf and the Atlantic coasts. The same causes which lead the South to seize the public property within their States, would make them attempt to control the rivers that flow through them, and thus make tributary to them the inland States, whose commerce must be floated on those streams. Self-preservation will compel the great empire of Free States that fringe the borders of the Mississippi and its tributaries, to force a free passage to the Ocean. And thus, protection to industry, and protection to Western commerce will band in indissoluble union, the Free States from the Atlantic coast to the summits of the Rocky Mountains; make them in support of their different interests protect themselves by the force of the Navy and the Army, against the rival interests which are sought to be established on the ruins of their prosperity.

Again, there is a consciousness of power in the North, which will be apt to prevent their surrender of this city and its time-hallowed memories to a republic, whose basis is chattel slavery. In all the elements of military strength, the North is more



than two to one of the South. Their habits of life, resulting from free institutions and a colder climate, have made them, not only more familiar with arms, but more capable of endurance. They, too, can abandon their fire-sides, assured that no elements of danger are left behind them. The wealth of the North is also much greater than the South. In the South, capital is principally invested in human beings. At the North, it is invested in the inanimate or brute instruments of production. Its products at the North are mainly the necessities of life, and its wealth is in its surpluses. At the South, cotton and tobacco, rice and sugar, are almost the exclusive products of the soil, and the result exclusively of slave labor. Its means of subsistence is in the value of its productions as an article of commerce; and, without an open sea, masters and their laborers must starve. When the South musters its armies it must garrison every house at home against the terrors of a servile insurrection, which, all history establishes, far exceeds in horrors, even the horrors of civil war.

Lastly, there is the consciousness of a righteous cause, which will prevent the North from failing to assert their constitutional rights. In 1776, we went to war with a mighty power, depending, not only on our free arms, but the protection which the God of battles would give to a struggle for the establishment of the inalienable rights of man. Now, the South secedes and wages war against the North, because the North will not prove recreant to all the teachings of the fathers, all the precepts of religion, and all the impulses which spring from the universal brotherhood of man; because the North will not enter into a solemn compact to extend the area of slavery, and perpetuate the rule of despotism.

What those whom I strive to represent should do in this crisis, is not for me to dictate or advise; all that I feel warranted in doing now, is to endeavor to impress the fact on your minds, that the crisis is upon us now; that the time for action has arrived. It is for the people to say, and *to do*, what they believe is right and proper. My prayer is, that they may be worthy to receive the Divine guidance and protection, and may be worthy instruments to work out for ourselves, and our posterity, and for humanity, the Divine purposes.

I now propose to give a hasty sketch of the origin and progress of those events which have culminated in the present crisis, believing that it may serve, in some measure, to determine wherein our duty consists.

On Friday, the 19th day of February, 1847, John C. Calhoun, of South Carolina, introduced into the Senate of the United States, prefaced by an elaborate speech, the following resolutions:

*“Resolved, That the Territories of the United States belong to the several States composing this Union, and are held by them as their joint and common property.*

*“Resolved, That Congress, as the joint agent and representative of the States of this Union, has no right to make any law, or do any act whatever, that shall directly, or by its effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in any Territory of the United States acquired or to be acquired.*

*“Resolved, That the enactment of any law which should directly, or by its effects, deprive the citizens of any of the States of this Union from emigrating with their property into any of the Territories of the United States, will make such discrimination, and would, therefore, be a violation of the Constitution, and the rights of the States, from which such citizens emigrated, and in derogation of that perfect equality which belongs to them as members of this Union, and would tend directly to subvert the Union itself.*

*“Resolved, That it is a fundamental principle in our political creed, that a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty and happiness; and that, in conformity thereto, no other condition is imposed by the Federal Constitution on a State in order to be admitted into this Union, except that its consti-*



tution shall be republican; and that the imposition of any other by Congress would not only be a violation of the Constitution, but in direct conflict with the principle on which our political system rests."

The substance of these resolutions was, that *Congress has no power to prohibit slavery in a Territory*. The ostensible complaint was, that the emigrant from the slave State was not allowed to carry his slave with him. The real cause of complaint was, that he was not allowed to carry the *slave law of his State* along with him, to protect him in the ownership of his slave. Mr. Benton says, "in this light, which is the true one the claim is absurd; presented as applying to a piece of property, it is specious, has deluded whole communities, has led to rage and resentment, and HATRED OF THE UNION."

Mr. Calhoun preceded the presentation of these resolutions with a speech, in which he referred to the failure of the attempt to run the compromise line of 36 deg. 30 min. to the Pacific—to the equally balanced condition of the States, Slave and Free—to the number of the Free States that would soon be admitted to the Union; destroying thereby the equilibrium between the two sections, and to the claim made to prohibit slavery from the Territories through the Wilmot proviso; and said:

"But sir, if this aggressive policy be followed, and we are to be entirely excluded from the Territories, which we already possess, or may possess; if this is to be the fixed policy of the Government, I ask what will be our situation hereafter? \* \* It is a scheme to monopolize the powers of this Government, and to obtain sole possession of its Territories. \* \* \*

Sir, the day that the balance between the two sections is destroyed, is a day that will not be far removed from political revolution, anarchy, civil war and widespread disaster. The balance of this system is in the *Slave-holding States* \* \* \*

If we are to be reduced to a handful, if we are to become a mere ball to play the presidential game with, to count something in the Baltimore caucus; if this is to be the result, woe, woe, I say to this Union. \* \* \*

Well, sir, what if the decision of this body shall deny to us this high constitutional right—not the less clear because deduced from the whole body of the instrument, and the nature of the subject to which it relates \* \* \* It is a question for our constituents \* \*

I give no advice, it would be hazardous and dangerous for me to do so. But I may speak as an individual member of that section of the Union. \* \*

I say for one, I would rather meet any extremity upon earth, than give up one inch of our equality. \* \* \*

The surrender of life, is nothing to sinking down into acknowledged inferiority. \* \* \*

The condition of Ireland is prosperous and happy—the condition of Hindoostan is prosperous and happy—the condition of Jamaica, is prosperous and happy, to what the Southern States will be, if they should not now stand up manfully in defence of their rights."

Mr. Benton, after the reading, objected to postponing the regular business, for the consideration of these resolutions, which he called abstractions. Mr. Calhoun said, that he had expected the support of Mr. Benton, as the representative of a Slave-holding State. Mr. Benton replied, "the Senator from South Carolina, says he calculated on my support. He is mistaken. He knows very well from my whole course in public life, that I never would leave public business to take up FIREBRANDS TO SET THE WORLD ON FIRE. \* \* \* I shall be found in the right place. I am on the side of my country and the Union."

Mr. Benton says in his "Thirty Years View:" "This answer, given on that day, and on that spot, is one of the incidents of his life which Mr. Benton WILL WISH POSTERITY TO REMEMBER." He further says, that these resolutions were not acted on by the Senate, "but were sent out to all the Slave States, adopted by some of them, and then commenced the great slavery agitation, founded upon the dogma of 'no power



*in Congress to legislate upon slavery in the Territories,*’ which has led to the abrogation of the Missouri Compromise line—WHICH HAS FILLED THE UNION WITH distraction, and which is threatening to bring all Federal legislation, TO A MERE SECTIONAL STRUGGLE, in which one half of the States is to be arrayed against the other, and that the resolves were introduced for the purpose of carrying a question to the *Slave States, on which they could be formed into a unit* against the Free States.”

Mr. Benton further says, of these resolves, that they *were new*, “the first of the kind in the (almost) sixty years of existence of the Federal Government — contrary to its practice during that time — contrary to Mr. Calhoun’s slavery resolution of 1838 — contrary to his early and long continued support of the Missouri Compromise — and contrary to the re-enactment of that line, by the authors of the Texas annexation law,” and which line “was carried into effect by Mr. Calhoun in the dispatch of the messenger to Texas in the expiring moments of his power.” Whilst he was Secretary of State to Mr. Tyler, the words of the re-enactment were “*and in such State or States as shall be formed out of said Territory north of the said Missouri Compromise line, SLAVERY OR INVOLUNTARY SERVITUDE (except for crime) SHALL BE PROHIBITED.*” “So that,” Mr. Benton adds, “up to the third day of March, 1845, no quite two years before the date of these resolutions, Mr. Calhoun, by *authentic acts*, and the two Houses of Congress, by *recorded votes*, and President Tyler by his *approving signature*, acknowledged the power of Congress to prohibit slavery in a Territory.”

A few days after the introduction of these resolutions by Mr. Calhoun, (February 24th, 1847,) Mr. Benton, after enumerating the wrongs of which Mr. Calhoun had been guilty, said, “and more wrong now than ever, in that string of resolutions which he has laid upon the table, and in which, as Sylla saw in the young Cæsar many Mariuses, so do I see in THEM MANY NULLIFICATIONS.”

Some months after the submission of his resolutions to the Senate, Mr. Calhoun wrote a letter to a member of the Alabama Legislature in reply to one asking his opinion, “as to the steps which should be taken” to guard the rights of the South. Mr. Benton says, that this letter furnishes the key to unlock Mr. Calhoun’s whole system of policy in relation to the slavery agitation. In that letter Mr. Calhoun says, “instead of *shunning*, we ought to *court the issue* with the North on the slavery question. I would even go one step further and add that it is OUR DUTY—due to ourselves, to the Union, and our political institutions, to FORCE THE ISSUE on the NORTH. \* \* Had the South, or even my own State, backed me, I would have FORCED the ISSUE on the NORTH in 1835. \* \* If the South act as it ought, the Wilmot Proviso, instead of proving to be the means of successfully assailing us and our peculiar institution, may be *made the means of successfully asserting our equality and rights*, by enabling us TO FORCE the issue on the North.” Mr. Calhoun then denounces the Personal Liberty laws of Pennsylvania and other States, and says that he holds “the TOLERATION IN THE NON-SLAVHOLDING STATES, of the establishment of *societies and presses*, and the *delivery of lectures*, with the express intention of calling in question our right to our slaves, and of seducing and abducting them from the *service of their masters*, and FINALLY OVERTHROWING the institution itself, is not only a violation of inter-national laws, but also of the Federal compact.” Mr. Calhoun then proceeds to say that the issue must be met first of all, by a resort to “*retaliation*.” He says, “there is but one remedy short of *disunion* and that is to *retaliate* upon our part, by *refusing to fulfil the stipulations in their favor*. Among these, the RIGHT of THEIR ships and commerce to enter and depart from our ports is the *most effectual*, and can be enforced. \* \* That it would be effectual in compelling them to fulfil those in our favor can hardly be doubted,



when the immense profit they make by trade and navigation out of us is regarded; and also the advantages *we would derive* from the DIRECT TRADE it would ESTABLISH BETWEEN THE REST OF THE WORLD AND OUR PORTS." The letter proceeds to say, "My impression is, that it should be restricted to *sea-going* vessels, which would LEAVE OPEN THE TRADE OF THE VALLEY OF THE MISSISSIPPI TO NEW ORLEANS BY RIVER, AND TO THE OTHER SOUTHERN CITIES by railroad; AND TEND THEREBY TO DETACH THE NORTH WESTERN FROM THE NORTH EASTERN STATES." He then states, that the only difficulty in the way, is to secure the "*co-operation of all the Slaveholding States* lying on the ATLANTIC GULF." For this end he advises the holding of Southern conventions, so as to compel submission on the part of the non-slaveholding States to the demands of the South, or force them "to take measures to COERCE us, which would throw *on them the responsibility of dissolving the Union*." He says, in the end, "their unbounded avarice would control them," and so the safety and triumph of the South be certain.

Mr. Benton says, that this letter furnishes the "key which unlocks his (Calhoun's) whole system of slavery agitation, which he commenced in 1835. That system was, to FORCE ISSUES upon the North, under the *pretext of self-defence*, and to *sectionalize the South* PREPARATORY TO DISUNION." \* \* \* \*

In this same letter, Mr. Calhoun says, "Had the South, or even my own State, backed me, *I would have FORCED the ISSUE on the NORTH* in 1835, when the spirit of abolitionism first developed itself to any considerable extent."

When the Oregon territorial bill passed in 1848, with the clause prohibiting slavery—the same as in the ordinance of 1787, the Missouri Compromise of 1820, and the Texas prohibition of 1845,—Mr. Calhoun said, "The great strife between the North and the South is ended, the North is determined to exclude the *property* of the slaveholder, and of course the SLAVEHOLDER HIMSELF *from its Territories*. The separation of the North and the South is completed."

John A. Dix, of New York, during the debate on this bill, established by the most conclusive evidence, that Mr. Calhoun, as a member of Mr. Monroe's Cabinet, sustained the Constitutionality of the clause in the Missouri Compromise excluding slavery from the national territories. Mr. Calhoun, at the same time, voted for an amendment to the Oregon bill extending the Compromise line to the Pacific. He admitted, in his speech of the 19th of February, 1847, prefacing the introduction of his resolutions, that he was willing to stand by that compromise, saying, "it has kept peace for some time, and in the present circumstances perhaps it would be better to be continued as it is." President Polk, on signing the bill, sent a special message, showing the necessity of adhering to the principles of the ordinance of 1787—to the compromise of 1820—the Texas compromise of 1845, and said, "Ought we now to disturb the Missouri and Texas compromises? Ought we at this late day, in attempting to annul what has been *so long established* and acquiesced in, to excite SECTIONAL DIVISIONS AND JEALOUSIES; to *alienate* the people of different portions of the Union from each other; AND TO ENDANGER THE EXISTENCE OF THE UNION ITSELF?"

Mr. Benton says, "to the momentous appeals, with which this extract concludes, a terrible answer has just been given. To the question: Will you annul these compromises, and excite jealousies and divisions, sectional alienations, and endanger the existence of this Union? The dreadful answer has been given—WE WILL! And in recording that answer, history performs a sacred duty *in pointing to its authors as the AUTHORS OF THE STATE OF THINGS WHICH now alarms and afflicts the country*, and threatens the calamity which President Polk FORESAW AND DEPRECATED."

When New Mexico and California were acquired, they were already free, by the existing law. The denial of the power of Congress to legislate for the exclusion of



slavery, carried along with it a denial of power to establish it by a law of Congress. The friends of freedom, although anxious to apply the ordinance of 1787 to the newly acquired territories, in the shape of the Wilmot Proviso, felt assured, by the doctrine advocated by Clay and Webster, that *slavery was the creature of the local positive law of a State*, and could have no existence beyond the limits of the State whose laws recognized or created the relation. Prior to our Revolution in 1772, Lord Mansfield delivered the opinion of the Court in the *Sommersett* case, in which he said, "The state of slavery is of such a nature, that it is incapable of being introduced on any reasons moral or political but only by *positive law*, which preserves its force long after the reasons, occasions, and time itself, from which it was created is erased from memory." This decision, together with the common law of England as it existed prior to the Declaration of Independence, had become the common law of all, or nearly all, the States. By virtue of this principle, "that slavery can be introduced only by *the positive law*," and the positive law of New Mexico and California having abolished slavery—it became necessary, in order to carry slavery into those territories, to invent the figment, before then never advanced, that property in slaves was recognized, not only by the local law of the Slave States, but by the *Constitution of the United States*. And that, upon the acquisition of territory, "the sovereignty and authority of Mexico in the territory acquired by the treaty, become extinct, and that of the United States is substituted in its place, carrying with it the constitution, with its overriding control over *all the laws and institutions of Mexico inconsistent with it*." In reference to this doctrine, advanced by Mr. Calhoun, to meet the exigencies of slavery, seeking to overrun New Mexico and California, Mr. Benton says, in his "Thirty Years View:"

"History cannot class higher than as a vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself—not even in the States for which it was made." \* \* \* \* \*

"Slavery, as a *local institution*, can only be established by a *local legislative authority*."

In 1849 an amendment to the General Appropriation Bill was offered in the United States Senate, to extend the Constitution of the United States over the Territories acquired from Mexico. This was in furtherance of the new dogma advanced by Mr. Calhoun. Of this proposition, Mr. Webster said, "The Constitution is extended over the *United States* and nothing else. It cannot be extended over anything except over the old *States*, and the *new States* that shall come in hereafter, when they do come in." And speaking of the supposition, that the trial by jury, and other provisions in the Constitution intended to secure personal rights—are extended over the Territories, he said, "Undoubtedly these rights must be conferred by *law before* they can be enjoyed in a Territory."

Mr. Calhoun then said, that "the Constitution pronounces itself to be the supreme law of the land. \* \* The Territories of the United States are a part of the *land*. It (the Constitution) is the supreme law not within the limits of the States of the Union merely, but wherever our flag waves." In answer to a statement made, that the United States Courts had decided that the Constitution did not extend to the Territories without an act of Congress, Mr. Calhoun said, "if they have made such a decision as that, I, for one, say that it ought not and never can be respected." Mr. Webster replied, that the Constitution was made for *States*, not Territories, that no part extended to them *without an act* of Congress—that the Territories were governed by Congress, independent of and often contrary to the Constitution, as denying them Representatives in Congress, a vote for President, &c. And that Congress did in Territories what it could not do in States, as making roads, bridges, &c. The debate on this proposition took a regular slavery turn. By a close vote the proposition



(to extend the Constitution over the Territories) was agreed to in the Senate, went to the House, was disagreed to by it, and after the expiration of the time for which the Congress was elected, the Senate receded, and the appropriation bill passed without this proposition. In relation to this proceeding, Mr. Benton says: "This attempt, pushed to the verge of breaking up the Government in pursuit of a *newly invented* slavery dogma, was founded in errors too gross for misapprehension. In the first place, as fully shown by Mr. Webster, the Constitution was not made for Territories, but for States. In the second place, it cannot operate anywhere, not even in the States for which it was made, without acts of Congress to enforce it. This is true of the Constitution in every particular. Every part of it is inoperative until put into action by a statute of Congress." \* \* \* \* "The proposed extension of the Constitution to Territories, with a *view to its transportation along with it*, was then futile and nugatory, until an act of Congress should be passed to *vitalize slavery* under it, so that, if the extension had been declared by law, it would have answered no purpose, except, to *widen the field* of the slavery agitation—to establish a *new point of contention*—to give a new phase to the *embittered contest*—and to *alienate* more and more from each other the two halves of the Union." \* \* \* \*

"The proposal was rejected in both Houses, and immediately the crowning dogma is invented, THAT THE CONSTITUTION GOES OF ITSELF *to the Territories* without an act of Congress, and executes itself, *so far as slavery is concerned*, not only without legislative aid, but in DEFIANCE OF CONGRESS and the PEOPLE OF THE TERRITORY." \* \* \* \* "This is the last slavery creed of the Calhoun school, and the one on which HIS DISCIPLES now stand. They apply the doctrine to existing Territories." \* \* \* \* "It is impossible to consider such conduct as anything else than as one of the devices 'FOR FORCING THE ISSUE WITH THE NORTH' "

Thus was this monstrous dogma born, which since, through the *doctrines* of some of the judges of the United States Courts, and by the endorsement of subsequent administrations, has at last brought the country to the very verge of the gulf of disunion.

Mr. Benton says: "The last days of Mr. Polk's administration were witness to an OMINOUS MOVEMENT." This was nightly meetings of members from the Slave States, which were held with the greatest secrecy. Sixty or seventy members met at first but the greater portion ceased to attend the subsequent meetings. Through the action of committees, of which Mr. Calhoun was the leader, an address drawn by him was adopted as a kind of second declaration of independence of the South, in which the alleged grievances of the South were enumerated, as commencing soon after the acknowledgment of our independence and as finally arraying the "great body of the North against the South." Of this enumeration of grievances, Mr. Benton said: "Strange to see, they have become more remarkable for what they omitted than contained"—the Wilmot proviso, the Missouri compromise, were neither of them mentioned; the latter, he says, "was then a good thing, of which the Slave States wished more, and claimed its extension to the Pacific." The past or present encroachments were not sufficient—"something more stirring was wanted, and for that purpose, time and imagination—the future and invention—were to be placed in requisition. *The abolition of slavery in the States*—the emancipation of slaves all over the South—the conflict between the white and the black races—the prostration of the white race, as in San Domingo—the whites the slaves of the blacks." \* \* \* He says, "some passages from this conglomeration of *invented horrors* will show the furious zeal of the author and the large calculation which he made upon the *gullibility of the South* when a slavery alarm was to be propagated." Extracts from the address are then given by Mr. Benton, sustaining fully all that he says, and Mr. Ben-



ton proceeds to say, "Now this certain emancipation of slaves in the States was a pure and simple invention of Mr. Calhoun, not only without evidence but against evidence—contradicted by every species of human action, negative and positive, before and since. Far from attacking slavery in the States, the *Free States* have co-operated to extend the area of slavery within such States," by "extinctions of Indian titles. \* \* \* So far from making war upon Slave States, several such

States have been added to the Union, as Texas and Florida, by the co-operation of Free States. Far from passing any law to emancipate slaves in the States, no Congress has ever existed that has seen a man that would make such a motion in the House; or, if made, would not be as *unanimously* rejected by one side as the other.

\* \* \* Yet this *incendiary* cry of *abolishing slavery in the States* has become the *staple of all subsequent agitators.*" The South are then, by this manifesto, urged to become united amongst themselves as the only means of preventing these imaginary results, and are told, if unsuccessful in doing so, they will then have to stand in defence of their rights, involving their all—their property, their "prosperity, equality, liberty, and safety." The original draft of this manifesto, we are told by Mr. Benton, went further and told what the South was to do—"but something further was intimated, and that soon came in the shape of a southern convention to dissolve the *Union*, and a call from the legislatures of two of the most heated States (South Carolina and Mississippi) for the assembling of a 'Southern Congress' to put the machinery of the 'United States South' in motion."

This new declaration of independence, adopted at the close of Mr. Polk's administration, just before the inauguration of President Taylor, and which was to form the pattern for future manifestoes, was signed by Messrs. Atchison, of Missouri; Hunter and Mason, of Virginia; Calhoun and Butler, of South Carolina; Downs, of Louisiana; Foote and Jefferson Davis, of Mississippi; Fitzpatrick, of Alabama; Borland and Sebastian, of Arkansas; Westcott and Yulee, of Florida; Atkinson, Bayley, Bedinger, Bocock, Beale, W. G. Brown, Meade, R. A. Thompson, of Virginia; Daniel, Venable, of North Carolina; Burt, Holmes, Rhett, Simpson, Woodward, of South Carolina; Wallace, Iverson, Lumpkin, of Georgia; Bowden, Gayle, Hains, of Alabama; Feathersten, J. Thompson, of Mississippi; La Sere, Morse, of Louisiana; R. W. Johnson, of Arkansas; Stanton, of Kentucky. In all forty members of that Congress.

President Taylor having reference to these disunion movements at the close of Mr. Polk's administration, speaking of the duty and interest of every American, in cheering union sentiments, said of the Union: "In my judgement, *its dissolution would be the greatest of calamities.* Upon its preservation must depend our own happiness, and that of countless generations to come. Whatever dangers may threaten it, I shall stand by it and maintain it in its integrity, to the *full extent of the obligations imposed, and the power conferred upon me by the Constitution.*" The first and last paragraphs of Mr. Taylor's Message alluded to the danger of disunion, and Mr. Benton says, these paragraphs were added to the message by the President after it was written, in consequence of a visit by Mr. Calhoun, in which he expressed a desire that nothing should be said in the message on this subject. Referring to these paragraphs, Mr. Calhoun, in his last speech in Congress, which was read for him by Mr. Mason of Virginia, said:

"It (the union) cannot then be saved by eulogists on it, however splendid or numerous. The cry of 'Union, Union, the Glorious Union!' can no more prevent disunion than the cry of 'Health, Health, Glorious Health!' on the part of the physician can save a patient from dying."

In the session of 1849-'50, Clay, Webster and Calhoun, met for the last time in



the Senate of the United States. Early in the session Mr. Clay introduced his compromise resolutions, which were referred to a select committee of 13, and formed the basis of the celebrated compromise measures of that Congress. One of those resolutions declared, that as slavery did not exist by law in the territories acquired of New Mexico, and was not likely to be introduced there, that territorial governments should be formed for them, without the adoption of any restriction or condition on the subject of slavery. Mr. Davis, of Mississippi, could not see any compromise in this proposition, and declared that he never would consent to take for the South anything less than the extension through those territories of the line of 36 deg. 30 min. to the Pacific. In reply to him, Mr. Clay said :

“ I am extremely sorry to hear the Senator from Mississippi say that he requires, first, the extension of the Missouri Compromise line to the Pacific, and also that he is not satisfied with that, but requires a *positive provision* for the admission of slavery south of that line. And now, Sir, coming from a Slave State, as I do, I owe it to myself—to truth—to the subject, to say that *no earthly power* could induce me to vote for a specific measure for *the introduction of slavery where it had not before existed*, either SOUTH OR NORTH of that line. Coming as I do from a Slave State, it is my *solemn, deliberate, and well matured* determination, that *no power, NO EARTHLY POWER*, shall compel me to vote for the *positive* introduction of slavery either South or North of that line. Sir, while you reproach, and justly too, our British ancestors for the introduction of this institution upon the Continent of America, I am, for one, unwilling that *the posterity* of the present *inhabitants of California* and of New Mexico shall REPROACH US for DOING JUST WHAT WE reproach Great Britain for doing to us.”

Mr. Benton says, “ These were manly sentiments, courageously expressed and taking the right ground.” The proposed line through New Mexico and California was politically different from that of the Missouri Compromise. “ One went through a territory all slave, and made one half free ; the other would go through territory all free and make one half slave.”

On the fourth of March, Mr. Calhoun made his last speech in the Senate. He enumerated his various subjects of complaint, beginning with the Jeffersonian ordinance of 1787, and showed how one by one the religious, social and political cords that bind the Union, had been snapped or weakened. Of these, Mr. Benton says, that the anti-slavery ordinance of 1787—was adopted before the Constitution—had its origin and support *in the South* ; the Missouri Compromise line had the *same origin*, and was supported by *the South*, by Mr. Calhoun, and Mr. Monroe’s Cabinet ; that the long continued agitation of the slavery question, of which Mr. Calhoun complained, was originated *by him in 1835*, and since kept *up by him* ; that the rapid increase of the free States complained of, was owing mainly to the nature of things, to climate and soil, and in some degree to *slavery itself*, which he was so desirous to extend. That Mr. Calhoun’s remedy was, to maintain, “ the equilibrium, by acquiring Southern territory and opening it to slavery,” and by maintaining the *equality* of the States, which was to be done “ by admitting slavery to be carried into all the territories—even Oregon—equivocally predicated on the right of all persons to carry their ‘ property ’ with them to those territories. The phrase was an equivocation, and has been a remarkable instance of delusion from a phrase. Every citizen can carry his property now wherever he goes, *only he cannot carry the State law with him which makes it property*, and for want of which it ceases to be so when he gets to his new residence. The New Englander can carry his bank along with him, and all the money it contains, to one of the new territories, but he cannot carry the law of incorporation with him ; and it ceases to be the property he had in New England. All this complaint about inequality in a *slaveholder* in not being allowed to carry his ‘ property ’ with him to a territory is nothing but a complaint that he cannot carry the law with him, and *in that there is no inequality between the States. They are all equal* in the total inability



of their citizens to *carry the State laws with them.*" Mr. Calhoun in order to preserve the Union, proposed "to provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself, before the equilibrium between the sections was destroyed." This, although not stated in his speech, Mr. Benton says, was to be the election of two presidents, one from the free and one from the slave States, and each to approve all acts before they became laws. "Upon this condition alone, the speech declared the Union could be saved! which was equivalent to pronouncing its dissolution. For, in the first place, no such amendment to the Constitution could be made; in the second place, no such double-headed government could work even through one session of Congress, any more than two animals could work together in the plow, with their heads yoked in opposite directions."

The Committee of 13, with Mr. Clay at its head, reported in favor of Mr. Clay's plan of embracing in one bill, the admission of California as a State — Utah, New Mexico, and Texas bills — the bill for abolishing the slave trade in the District of Columbia, and the fugitive from service bill. These five bills, which had before that time, been introduced separately before Congress, were tacked together and proposed as a specific for the ills the country was suffering. In a speech, unexampled for its humor and sarcasm, Mr. Benton attacked this report. The measures connected in M. Clay's bill, were disconnected and each of them received separate consideration, and were separately passed — the whole of them constituted the so called Compromise of 1850. The bill for the admission of California as a State, was made the "test" question in the slave agitation — and it was so presented by Mr. Calhoun, in his last speech before noticed. He declared that "California will become the test question. If you admit her, under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired Territories, with the intention of destroying irretrievably the equilibrium between the two sections." Mr. Calhoun died before the bill for the admission of California was taken up — an attempt was made and failed to make the State a slave State north of 36° 30'. After its passage, a protest, signed by Messrs. Hunter and Mason of Virginia, Butler and Barnwell from South Carolina, Turney of Tennessee, Soule of Louisiana, Jefferson Davis of Mississippi, Atchison of Missouri, and Morton and Yulee of Florida, was presented to the Senate, and demanded to be entered on the journals. In that protest they say, as the first cause of their dissent, that this bill "gives the sanction of law, and thus imparts validity to the unauthorized action of a portion of the inhabitants of California, by which an *odious discrimination is made against the property of the fifteen slave holding States of the Union*, who are thus deprived of that *position of equality* which the Constitution so manifestly designs, and which constitutes the *only sure and stable foundation* on which this *Union* can repose." They also protested, that the bill deprived the slave States of their right to "a common and equal enjoyment of the Territories of the Union" — and they conclude, by saying, that "the slave-holding States have never sought more than *equality* (in the Union) and in which they will not be content to *remain with less.*" \* \* The entry of the protest was successfully opposed by Mr. Winthrop and Mr. Benton, the latter said, "all of these sectional movements are based upon the hypothesis, that, if a certain state of things is continued, there is to be a dissolution of the Union \* \* The Wilmot proviso, to be sure, is now dropped, or is not referred to in the protest. That cause of dissolution is dead; but the California bill comes in its place, and the system of measures of which it is said to be a part. \* \* \* I cannot help considering it (the protest) as a part of a system — as a link in the chain of measures all looking to one result \* \* \* *that of a dissolution of the Union.*"



The rendition of fugitives from service, Mr. Benton said, in the debate on the law of 1850: "Is the only point, in my opinion, at which any of the non-slaveholding States, as *States*, have given just cause of complaint to the slaveholding States." The act of 1793, had become inefficient, from the fact, that its provisions were authorized to be performed by State officers, who refused to act under the law. The United States Courts had held, that it was optional in State officers to refuse to act under the law. Mr. Cass, Mr. Benton, and others, were in favor of simply amending the law of 1793, so as to devolve the duties upon officers of the United States. Of the act of 1850, Mr. Benton says: "It has been worth but little to the slave States in recovering their property, and has been annoying to the Free States, from the manner of its execution, and is considered a new act."

Immediately after the passage of these, so called Compromise measures of 1850, in the same year, a Southern Convention was held at Nashville, the home of Jackson and then his grave. It recommended the assembling of a "Southern Convention." North Carolina and Mississippi alone followed the advice. The South Carolina Convention elected her quota of Representatives to the proposed Congress; Mississippi provisionally, by submitting her law to the approval of the people; South Carolina asserted the aggressions (without stating what aggressions) on the Slaveholding States to be the cause of her action. Of these, Mr. Benton says: "in fact there *were none to be stated*. For even the repeal of the slave sojournment laws in some of them," and the refusal to allow the State officers or State prisons, to be used for the arrest or detention of fugitives from service, "though acts of unfriendly import, and a breach of the comity due to sister States, and inconsistent with the spirit of the Constitution, were still acts which the States, *as sovereign within their limits*, upon the subjects to which they refer, had a right to pass. Besides, Congress had readily passed the fugitive-slave recovery bill, just as these Southern members wished it; and left them without complaint against the National Legislature on that score. All other matters of complaint which had successively appeared against the free States were gone—Wilmot proviso and all."

The act of Mississippi gave, as reasons for its action—

"First. That the legislation of Congress, at the last session, was controlled by a dominant majority, regardless of the constitutional rights of the slaveholding States; and

"Secondly. That the legislation of Congress, such as it was, affords alarming evidence of a settled purpose on the part of said majority, *to destroy the INSTITUTION OF SLAVERY*, not only in the State of Mississippi, but in her sister States, and to subvert the sovereign power of that and other slaveholding States."

Mr. Benton waived the question, whether these reasons, if true, would justify the abrupt attempt to break up the Union, and proceeded to examine their truth: he says, that the majority of the last session, in "*every instance*, was helped out by *votes from Slave States*, and generally by a majority of them." He says, of the assertion of the purpose to destroy the institution of slavery: "There was no such settled purpose in the majority of Congress, nor in a minority of Congress, nor in any half dozen members of Congress—if in any one at all. It was a MOST DEPLORABLE ASSERTION, of a most alarming design, CALCULATED *to mislead and inflame* the ignorant, and to make them FLY TO DISUNION, as the refuge against such an appalling catastrophe. *But it was not a NEW DECLARATION*. It was *part and parcel* of the original agitation of slavery commenced in 1835, and continued ever since. To destroy slavery in the States has been the design attributed to the Northern States from that day to this, *and is necessary to be kept up* in order to keep alive the slavery agitation in the Slave States. It has received its *constant and authoritative* contradiction in



the conduct of those States at home, and in the acts of their Representatives in Congress, year in and year out." Mr. Benton then, as an evidence that there is no such danger to slavery in the Slave States, as alleged, refers to the increased value of slaves, which, he says, has attained a height incredible to have been predicted twenty years ago; and this, notwithstanding the fact that "property is timid;" and that of all property, the peculiar property of the South, is "timid;" and if made insecure, either in title or possession, would most rapidly and surely sink in price.

"But," Mr. Benton says, "although the slavery alarm does not act on property; yet it acts on the *feelings and passions* of the people, and *excites* SECTIONAL ANIMOSITY, HATRED FOR THE UNION, and DESIRE FOR SEPARATION."

Disunion, separation, were the great objects which Mr. Calhoun had in view during his life, and it is that which now actuates the handfull of followers who now follow his pernicious counsels, who, without his wisdom or his prudence, "*rush in where their master feared to tread*" Disunion, separation, which was to be brought about by inflaming the South against the North, and so producing unity of action at the South. As results of this separation, "Southern cities were to recover their *colonial superiority* in a State of *sectional independence*; the ships of all nations were to crowd their ports to carry off their rich staples, and bring back ample returns. Great Britain was to be the ally of the new "United States, South." All the Slave States were expected to join, but the *new confederacy* was TO BEGIN with the South Atlantic States, or EVEN A PART OF THEM; and MILITARY PREPARATION WAS TO BE MADE to MAINTAIN BY FORCE what a Southern Convention should decree."

Such are the expectations now, such were the expectations eleven years ago, systematically advocated by a disunion press, established in Washington by the contributions of the signers to the Southern manifesto, issued in 1849. Such were the expectations which moved Mr. Calhoun, when he presented his nullification resolutions in 1833. Those resolutions which first presented as a proposition, that a State had a Constitutional right to secede; which assumed that this Union of States, this government of powers, delegated directly by the people of the whole country, of powers exercised by the people's servants, operating upon individuals, and on States through individuals, "was a mere compact among sovereign parties, (that is States) without any common judge," which "each has a right to judge for itself, as well of the infraction, as of the mode and measure of redress."

I have thus presented as briefly as a clear presentation of the subject would permit, Mr. Benton's view of the origin and authorship, the plans and operations, of the great scheme of disunion and secession. It is a Southern view, taken by a Southern man representing a slaveholding State, himself a slaveholder. A view presented at the close of his long and memorable career, committed to his countrymen as he stood upon the verge of the grave, under all the responsibilities which his position, fame, and patriotism imposed upon him. This scheme of *disunion*, whose author was John C. Calhoun, ran through nearly twenty years, during which Mr. Benton was an actor and a witness. It forms no inconsiderable part of the great political drama of which he was a leading "star." Its history was written from an imperious sense of duty; it was completed after the dearest ties which bound him to earth, except that of love to the Union and the State which had so long cherished and sustained him, had been severed. The two large volumes into which he condensed the stirring scenes of his momentous life, will pass down to coming ages an enduring monument of his faithful services, his fearless and stainless integrity, and of his undying love to the free institutions of his country, and above all, of his



unselfish devotion to the *cause of HISTORIC TRUTH*. Should his labors not be crowned with the reward which alone he hoped for, and which was to be showered upon his grave, not upon his living head? Should this Union of which he was so faithful a guardian, so valiant a defender, be shattered into fragments? The future historian of the Republic of the United States, will point to Thomas H. Benton, as the noblest of that proud galaxy of statesmen that shed its luster over the last days of that glorious but ephemeral Republic, and quote, as the moral and the sum of his great work, his own memorable words, with which he closed his work.

“Confederate Republics are short lived—the shortest in the whole family of Governments. Two diseases beset them, *corrupt* election of the chief magistrate when elective; *sectional contention*, when INTEREST or AMBITION are at issue. Our confederacy is now laboring under both diseases, and the *body of the people*, now as, always, *honest in sentiment* and *patriotic in design*, remain unconscious of the danger, and even become instruments in the hands of their destroyers. If what is written in these chapters shall contribute to open their eyes to these dangers, and *rouse them* to the RESUMPTION of their ELECTORAL PRIVILEGES, and the SUPPRESSION of SECTIONAL CONTENTION, then this view will not have been written in vain. If not, the writer will still have one consolation—the knowledge of the fact that he has labored in his day and generation, to *preserve* and *perpetuate* the blessings of that UNION and SELF GOVERNMENT, which wise and good men gave us.”

I have purposely forborne to connect this history with the events which have occurred within the last few years, or to any extent to point out its bearing upon the events of to-day, or to suggest those remedies for the existing evils which suggest themselves to my mind, that if done, must be at some future day. It is now the hour of passion, not of reason. The ear is deaf to the living voice! but perhaps the voices of the dead, the pure, the good, and therefore, the truly great, may yet arrest the attention of the living, hush the tempest of passion, and once more, as of old, still the raging of the seas.

Believing that this Government, like all the rest of His created universe, is under the particular and especial care of our Heavenly Father, I have no fear for its future destiny, except what God's justice and infinite mercy and wisdom inflicts upon our nation for our individual sins—sins, which I will not judge, lest I should be judged; lest in endeavoring to remove the mote from my brother's eye, I should neglect to remove the beam from my own. In the most perfect reliance that Infinite Wisdom and goodness will over-rule even evil for good, I have the utmost confidence, that whether united or divided, whether as a great and glorious Republic, or, as jarring and dissevered fragments, our country will yet be saved for a happy destiny. For that era of peace and prosperity, when men, no longer acting from selfish principles shall find that individual and public weal depend, and can alone be found, by each member of society, making as his central motive of action the good of his fellow man, and not his own.

ALFRED WELLS.

WASHINGTON, January 3, 1861.













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